



Linn County Attorney's Office
Linn County, Iowa

Harold L. Denton – County Attorney
Jerry Vander Sanden – First Assistant

51 Third Avenue Bridge
Cedar Rapids, Iowa 52401



Office Manager
Diane Albers

July 30, 2009

DIVISION ATTORNEYS

Felony

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Jason Burns
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Misdemeanor

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Laurie Craig
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Rena Nerhus
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Civil

Jeffrey L. Clark
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Civil Division Head
Susan D. Nehring
Christine Curley
Paralegal

**PROFESSIONAL
SUPPORT**

Investigator

James Noonan

Victim/Witness

Toni Liedtke
Anastasia Wilson

Mr. Joseph Jones
Director of Governmental Affairs
Iowa Finance Authority
2015 Grand Avenue
Des Moines, Iowa 50312

**RE: Title opinion for real property necessary for
construction of an addition to and reconfiguration of
the Linn County Administrative Office Building**

Dear Mr. Jones:

I have examined the Abstract of Title to the premises located in
Linn County, Iowa, described as:

**Lot 1, Auditor's Plat Number 118, Linn County, Iowa, said Lot 1
being a replat of Lots 3, 4 and 5, Block 2, May and Covells' Addition
to West Cedar Rapids, all of Lots 6, 7, 8, a part of Lots 2 and 9, said
Block 2, and part of the vacated alley between said Lots 2 and 9,
described as follows:**

**Beginning at the most Easterly corner of said Auditor's Plant
Number 118; thence Northwesterly 205.46 feet along the
Northeasterly line of said Auditor's Plat Number 118 and the
Northeasterly line of said Lot 2 to a point; thence Southwesterly
300.58 feet to a point on the Southwesterly line of said Block 2;
thence Southeasterly 203.73 feet long the Southwesterly line of
said Block 2 to the most Southerly corner of Lot 6, said Block 2;
thence Northeasterly 300.64 feet along the Southeasterly line of
said Lot 6, Block 2 and the Southeasterly line of said Auditor's Plant
Number 118 to the point of beginning, except the public alley that
lies Southeasterly of said Lots 2 and 9.**

**Lots 2, 3 and 9, Block 3, May and Covell's Addition to West
Cedar Rapids, Iowa.**



as last certified by Iowa Title Company under the date of July 23, 2009. The Abstract commences with the Root of Title Entry and consists of entries 1 through 21, inclusive, with said Abstract of Title extended to July 23, 2009.

I find legal title in the above-described premises to be in:

Linn County, Iowa

under a Warranty Deed shown at entry 15 of the Abstract of Title.

Legal title in the above-described premises is subject to the following limitations and objections:

1. Mutual Alleyway Easement. There appears at entry 16 of the Abstract of Title a Mutual Alleyway Easement, dated March 13, 1979, filed March 15, 1979, in volume 1774, page 120 of the Linn County Recorder's records between Penick & Ford, Ltd., and Linn County, Iowa, whereby the parties mutually grant an alleyway easement over and across the north 4.5 feet of Lot 1, Auditor's Plat 118 and Lot 8 and the south 4.5 feet of Lots 2 and 9, all in Block 2, May and Covell's Addition, West Cedar Rapids, Iowa.
2. Guy and Anchor Easement. There appears at entry 18 of the Abstract of Title a Guy and Anchor Easement, dated December 6, 1995, filed December 28, 1995, in volume 3273, page 370 of the Linn County Recorder's records granted by Linn County, Iowa, to IES Utilities, Inc. to construct, reconstruct, maintain, operate, repair, patrol and remove guy wires and anchors upon the west 10 feet of the south 25 feet of Auditor's Plat 118, Lot 1, City of Cedar Rapids West of the 5th P.M., Linn County, Iowa.
3. Zoning Ordinance Amendment. There appears at entry 19 of the Abstract of Title an amendment to Chapter 32 of the Municipal Code, City of Cedar Rapids, Iowa, dated September 7, 2005, filed September 28, 2005, in volume



6131, page 178 of the Linn County Recorder's records whereby the City of Cedar Rapids zoning for the property under examination was changed from I-1B, Restricted Industrial District, to C-3B, Highway Commercial District, providing that the property may be used for such purposes as outlined in the C-3B, Highway Commercial District, as defined in Chapter 32 of the Municipal Code, City of Cedar Rapids, Iowa.

4. Easement Agreement. There appears at entry 20 of the Abstract of Title an Easement Agreement filed September 29, 2005, in volume 6133, page 385 of the Linn County Recorder's records granting to EnviroGas, LP an easement to construct, operate and maintain a pipeline installed below the existing surface to transport landfill gas across the following portion of the property under examination:

Beginning at the Southwest corner of lot 2, Block 2 of May and Covells Addition, Kingston (now Cedar Rapids) Iowa;

Thence Northwesterly along the Southwesterly line of said lot 2 and the Northeasterly line of the vacated part of the alley in said block 2, 23.93';

Thence Southwesterly to a point on the Northeasterly line of lot 9, blk 2 of said Addition, said point being 23.90' Northwesterly of the SE corner of said lot 9;

Thence Southeasterly along the Northeasterly line of said lot 9 and the Southwesterly line of said vacated alley, 23.91' to the Southeast corner of said lot 9;

Thence Northeasterly to the point of beginning. Said property being that part of the vacated alley between said lots 2 and 9, currently owned by Linn County, Iowa.

This opinion is expressly limited to matters shown in the Abstract of Title. No opinion is expressed as to matters not shown which might affect title to the premises under examination, among which are the following:



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Mechanics liens for services rendered or materials furnished on the premises since liens need not be filed until 90 days after completion of the work or the materials have been furnished; rights of persons in possession; all public assessments ordered but which have not become a matter of record; any defects of title which may be revealed by an accurate survey; any statement of facts which may be revealed by physical inspection of the property, including but not limited to, diseased trees, location of driveways, easements, fences, hedges, drainage ditches and an encroachment of buildings which may have set the boundary lines of the property; zoning or other ordinances of the municipality or county, or any floodplain zoning; and any security interests in fixtures attached to the real estate of which notice may be given by a financial statement which has not been filed of record.

Sincerely,

Gary P. Jarvis

Assistant Linn County Attorney

GPJ/cac